IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ACS/PRIMAX, as Administrator of the)
Crown Battery Manufacturing Employee)
Benefit Plan,)
Plaintiff,) Civil Action No. 07-00170
v.) Chief Judge Donetta W. Ambrose
JACOB POLAN, a minor, by and through his parents and natural guardians, JESSICA L. POLAN and KIRK S. POLAN,) Magistrate Judge Cathy Bissoon)))
Defendants.)

MEMORANDUM ORDER

On August 19, 2008, this case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(l)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On November 7, 2008, the magistrate judge issued a Report (Doc. 32) recommending that Plaintiff's Motion for Summary Judgment (Doc. 21) be denied and that Defendants' Motion for Summary Judgment (Doc. 22) be granted. Service of the Report and Recommendation was made on the parties, and Plaintiff filed Objections on November 25, 2008. See Doc. 33.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

AND NOW, on this 12 day of 4cc, 2008, IT IS HEREBY

ORDERED that Plaintiff's Motion for Summary Judgment (Doc. 21) is **DENIED** and that Defendants' Motion for Summary Judgment (Doc. 22) is **GRANTED**.

The Report and Recommendation of Magistrate Judge Bissoon dated November 7, 2008 is hereby adopted as the opinion of the District Court.

Donetta W. Ambrose

Chief United States District Judge

cc (via email):

Michael J. Laffey, Esq. David Fawcett, Esq. Brendan Stuhan, Esq.